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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AF, COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Andrew Scallatino

DATE: November 10, 2004

**PATENT  
MAIL STOP AF**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of David Berd	: Group Art Unit: 1642 : : :
Appln. No.:	10/025,195	: Examiner: Susan Ungar, Ph.D. : :
Filed:	December 19, 2001	: Attorney Docket : :
For:	COMPOSITION AND METHOD OF USING CARCINOMA TUMOR CELLS	: No. 1225/1D414US2 : (061266-5009-02)

**NOTICE OF APPEAL FROM PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Decision dated November 5, 2001, Paper No. 16, of the Primary Examiner finally rejecting claims 7, 31, and 32 of the present application.

The item(s) checked below are appropriate:

- ☒ [X] A Petition for Extension of Time with extension fee for an additional (1) month up to and including November 24, 2002, to respond to the final Office Action mailed May 24, 2004 is enclosed. A Response to the final Office Action was filed on October 22, 2004, along with a Petition for a Two-Month Extension of Time, and associated fee.
- ☐ [ ] A Petition for Extension of Time for \_\_\_ month(s) to file the Notice of Appeal and our check in the amount of \$ \_\_\_ for the extension fee are enclosed.
- ☒ [X] Please charge our firm's deposit account 50-0310 (**Billing No. 061266-5009-02**) for the amount indicated below for filing this Notice of Appeal:
- ☒ [X] \$170.00-- a Small Entity Declaration has been filed previously in this case.
- ☐ [ ] \$340.00 -- no Small Entity Declaration is appropriate.
- ☐ [ ] Not required (fee paid in prior appeal).

Void Date: 11/15/2004 EABUBAK1 10025195  
11/15/2004 EABUBAK1/00000114 500310-10025195  
02/FC:2253 490.00 CR

☐ An oral hearing before the Board of Appeals is respectfully requested.

☐ Our firm's check in the amount indicated below is enclosed for this request for an oral hearing.

☐ \$150.00 - a Small Entity Declaration has been filed previously in this case.

☐ \$300.00 - no Small Entity Declaration is appropriate.

☒ Any additional required fees or any overpayments may be charged or credited to Deposit Account No. 50-0310 (Billing No. **061266-5009-02**). One additional copy of this Notice is enclosed for accounting purposes.

Respectfully submitted,

DAVID BERD

10 Nov. 04  
(Date)

By: 

**GAIL H. GRIFFIN**

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Enclosures: Petition for one-month extension of time